

FILED

AUG 21 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY WJH DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

RAMON SIMON,

Petitioner,

vs.

JUSTIN JONES, Director,

Respondent.

No. CIV-13-751-W

ORDER

On July 29, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the request of petitioner Ramon Simon, proceeding pro se, for leave to proceed in forma pauperis be denied. Magistrate Judge Erwin further recommended that Simon's Petition for Writ of Habeas Corpus ("Petition") filed pursuant to title 28, section 2254 of the United States Code be dismissed unless Simon paid the filing fee of \$5.00 in full to the Clerk of the Court by a designated deadline.

Although Simon was advised of his right to object, see Doc. 6 at 2, he has not timely objected to the Report and Recommendation, and upon review of the record, which shows that Simon has sufficient financial resources to pay the filing fee, see Doc. 2, the Court concurs with Magistrate Judge Erwin's suggested disposition of Simon's request to proceed without prepayment of the filing fee.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 6] filed on July 29, 2013;
- (2) DENIES Simon's request to proceed in forma pauperis [Doc. 2];

(3) ORDERS Simon to pay the filing fee of \$5.00 in full to the Clerk of the Court on or before September 11, 2013; and

(4) ADVISES Simon that his failure to comply with this Order will result in dismissal of this matter without prejudice.

ENTERED this 21st day of August, 2013.



LEE R. WEST
UNITED STATES DISTRICT JUDGE